UNITED STATES COURT
OF
MILITARY COMMISSION REVIEW

Before
F. Williams, D. Francis, and D. O'Toole

UNITED STATES	)	APPELLANT'S REQUEST FOR DELAY
Appellant	)	
v.	)	
	)	CMCR CASE NO. 08-004
MOHAMMED JAWAD	)	
Appellee	)	DATE: 22 May 2009

Before the Court is a motion by the United States, as Appellant, requesting a second 120-day delay in issuing our decision on Appellant's preceding interlocutory appeal in the captioned matter. This Court previously granted a 120-day delay, after balancing the weight of the objections and prejudice asserted by the Appellee against the deference to be afforded the President in his determination that the on-going Interagency review is required in the interests of national security and foreign policy, and considering the public's interest in conducting that review. CMCR order of 4 February 2009. Having considered the pleadings of both parties addressing Appellant's additional request for delay, this Court again concludes that the deference to be afforded the President under the circumstances set forth in this Court's prior ruling continues to outweigh Appellee's assertions of prejudice related to confinement that is not entirely related to the charges now pending against him, and which is the subject of pending proceedings in the U.S. District Court for the District of Columbia. See Order, *Al Halmandy, et al. v. Barack H. Obama, et al.,* No. 05-2385 (D.D.C. Apr. 22, 2009). Additionally, this Court concludes that the potential prejudice asserted as diminishing Appellee's ability to defend himself during any subsequent proceedings in this case remains speculative; and, should any prejudice occur, it is susceptible of relief at such time as any trial resumes, or any conviction is reviewed on appeal.

It is therefore ORDERED:

That Appellant's motion is GRANTED; and

That the ordinary 30-day decision requirement of CMCR Rule 22(c), within which to adjudicate the Appellant's interlocutory appeal in this case, is extended to September 17, 2009.

FOR THE COURT:

LeRoy F. Foreman
Clerk of Court